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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,321	12/14/2000	Amy Hetz Wilson	2400-599	9469

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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 05/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/737,321

Applicant(s)
Wilson

Examiner
Michael E. Butler

Art Unit
3653



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 14, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 6, 10-14, 26-28, 39, and 44-46 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 6, 10-14, 26-28, 39, and 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Priority

2. Applicant's claim of priority to application 09/154462 filed 9/16/98 is acknowledged. Applicant's claim of priority to provisional application 60/060066 filed 9/26/97 is acknowledged-however, as there were no common inventors between 60/060066 and the current application's or its parent application, the priority link to 60/060066 is deemed invalid. Applicant is required to cancel the priority claim to 60/060066.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 4, 6, 10-14, 26-28, 39, and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Terranova '871 and its parent provisional application wherein Terranova '871 discloses:

(re: cl 4, 10, 13, 26, 39, 44) A fuel dispensing system for enhancing cash transactions comprising a) a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associated with a customer, receiver operatively associated with control system to enable control system to retrieve the identification indicia (c6 L 1-34); and b) a cash transaction indicator associated with control system and adapted to signal control system of a cash transaction (c45 L 7-18); and control system providing customer related information associated with the identification indicia when a cash transaction is indicated by cash transaction indicator (c45 L 1-32); customer related information corresponds to customer change resulting from a cash transaction, control system adapted to determine the change for the transaction (c45 L 1-32);

(Re: cl 6) The control system is adapted to apply a previous credit for increasing the change for the customer transaction (c16 L 6-23);

(re: cl 10) cash transaction indicator is located on dispenser and is actuated by a customer when a cash transaction is desired (c16 L 33-51);

(Re: cl 11) the fuel dispenser includes a cash transaction indicator located on dispenser and is activated by a customer when cash transaction is desired (c45 L 8-16);

(Re: cl 12) control system is operatively associated with a transaction terminal apart from fuel dispenser for conducting cash transaction (c14 L 19-33);

(Re: cl 14) the transaction terminal is a point of sale terminal in a fuel station operatively associated with the dispenser (c14 L 19-33);

(re: cl 13) a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification induce from a remote communications unit associated with a customer, receiver operatively associated with control system to enable control system to retrieve the identification induce(c18 L 45-67);

(re: cl 26) a central control system operatively associated with and located apart from the dispenser control signal (c 16 L 33-52);

(Re: cl 27) cash transaction indicator is a customer actuatable keypad on the dispenser (c 45 L 18-21; 102);

(re: cl 28) cash transaction indicator is associated with a cash acceptor on the dispenser, cash transaction indicator indicating a cash transaction when a customer inserts cash in the cash acceptor (c45 L 1-11);

interrogator adapted to communicate with a remote communications unit associated with a customer (c13 L 40-61);

(Re: cl 45) the change amount is transmitted to a remote communications control system (45 L 11-32);

(re: cl 46) change amount is sent to a remote communications unit (45 L 11-32).

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Butler

Examiner


DONALD E. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600